

REMARKS/ARGUMENTS

Applicant thanks Examiner Edelman for the personal interview with Applicants' representative on August 27, 2004. The Office Action of June 16, 2004 has been carefully reviewed. These remarks are responsive to the Office Action and adopt suggestions made by the Examiner to place the application in condition for allowance. Reconsideration and allowance of the instant application are respectfully requested.

By this Amendment claims 24, 46, 47, 51 and 52 have been cancelled without prejudice or disclaimer. Claims 2-5, 7, 9, 26-45 and 48-50 remain in this application. Claims 2, 3, 7, 9, 39-42, 48 and 49 have been amended to more clearly recite subject matter Applicant regards as the invention. The basis for the amendments and new claims can be found in the specification and drawings as originally filed.

Restriction Requirement

In response to the Restriction Requirement, Applicant hereby elects the invention of the amended original claims as filed (pending claims 2-5, 7, 9 and 26-37). It is respectfully submitted that the subject matter of all of claims 2-5, 7, 9 and 26-52 is sufficiently related such that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See M.P.E.P. § 803 in which it is stated that “[i]f the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits” (emphasis added).

As agreed to in the interview, the subject matter of claims 39-45 and 48-50 is sufficiently related to the elected claims and should be considered therewith. Accordingly, Applicant respectfully requests consideration of claims 39-45 and 48-50 along with the elected claims.

35 U.S.C. §102(b) Rejections

Claims 2 and 24 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by United States Patent No. 6,571,296 to Dillon (Dillon). While Applicant does not concede or admit that these rejections are proper, claim 24 has been cancelled without prejudice or disclaimer. Applicant respectfully traverses the rejection to claim 2.

Dillon was patented on May 27, 2003, which is after the filing date of March 21, 2000 for the present application. As such, Dillon is not applicable as prior art under 35 U.S.C. § 102(b) and the rejection should be withdrawn. Nonetheless, Applicant respectfully submits that claim 2 as amended is allowable over Dillon based on the adoption of amendments agreed upon in the interview for placing the application in condition for allowance over Dillon.

In contrast with Dillon, the present invention according to claim 2 provides an asymmetric satellite based terminal device that sends request data having a source address assigned to the satellite Network Operation Center (NOC). Claim 2 as amended recites, *inter alia*, an asymmetric satellite based terminal device comprising a modem configured to send request data having “a satellite source IP address from the range of satellite IP addresses assigned to the NOC, the satellite source IP address not being encapsulated within another source IP address” Thus, as discussed on page 8 of the specification along with the embodiment of Fig. 1, based on the satellite source IP address of the request data, return packets from an Internet host may automatically be routed to the NOC for rebroadcast via satellite to the terminal device without the request packets going through a hybrid gateway. Dillon does not teach or suggest at least feature recited in claim 2.

Dillon discloses a system in which a hybrid terminal has two IP addresses corresponding to completely different physical networks assigned to it. The first IP address corresponds to an Internet connection provider (SLIP provider) and the second IP address corresponds to a satellite system. *See e.g.*, Dillon, col. 4, lines 42-59. Dillon, however, teaches sending outgoing requests from the hybrid terminal that have as their source address an address of the SLIP provider rather than the satellite system. (*See* Dillon, col. 4, line 66 to col. 5, line 23). The outgoing requests

include an IP packet that is encapsulated or tunneled inside another IP packet having a source address corresponding to the Internet Service Provider and a destination address corresponding to the hybrid gateway 150. (*See Id.*) Although Dillon teaches that a request in a packet as initially formed has a source IP address corresponding to the satellite interface, this packet is encapsulated within another IP packet having a source address of the SLIP provider. Thus, requests issued from the hybrid terminal of Dillon have as their unencapsulated source address an IP address corresponding to the SLIP provider regardless of any packets encapsulated therein. The system of Dillon makes use of a hybrid gateway 150 to unencapsulate packets, which slows the process by adding additional steps in the path between the hybrid terminal and an application server. (*See Dillon, col. 5, lines 27-31*).

For at least these reasons, Applicant respectfully submits that claim 2 is not anticipated by Dillon and is allowable over the prior art of record.

35 U.S.C. §103(a) Rejections

Claims 3-5, 7, 9 and 26-37 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dillon either alone or in combination with either U.S. Patent Application No. 2002/0007493 to Butler et al. (Butler) and/or U.S. Patent No. 6,208,656 to Hrastar et al. (Hrastar). Applicant respectfully traverses these rejections.

Independent claims 3, 7 and 9 have been amended in a manner similar to claim 2 to recite a terminal device configured to issue requests or send web page request data with a return address of the network operations center, and that “the return address compris[es] a satellite IP address from the range of IP addresses assigned to the NOC, the satellite source IP address not being encapsulated within another source IP address.” As discussed above, this subject matter is not taught or suggested by Dillon. Neither Butler nor Hrastar were relied upon for this teaching nor do they overcome this deficiency of Dillon. Accordingly, Applicant respectfully submits that independent claims 3, 7 and 9 are allowable along with independent claim 2 over the prior art of record, and that claims 4-5 and 26-37 depending from either claim 2 or 3 are allowable along with their respective base claim.

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Further, Applicant respectfully submits that claim 38, which was withdrawn from consideration and depends from claim 3, is allowable along with its base claim. In addition, Applicant respectfully submits that claims 39-45 and 48-50, which have been amended in a manner similar to claims 2, 3 and 9, are allowable over the prior art of record.

Conclusion

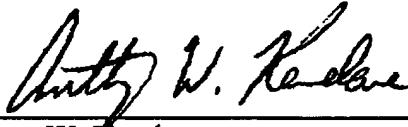
Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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